

REMARKS

In response to the Office Action from the Patent Examiner dated 12 February 2004, Applicant offers the following Amendment and Remarks. Reconsideration and reevaluation of the Application, as amended, is respectfully requested.

The Examiner noted that claims 1 through 17 were drawn to a device, classified in class 441 and claim 18 was drawn to a method of making a lanyard, classified in class 156. The Examiner stated at the bottom of page 2, of the Office Action, that these two groups were restricted for examination purposes. As noted in the Office Action at the top of page 3, the undersigned made a provisional election without traverse to prosecute the invention of the device, claims 1 through 16. Therefore, Applicant affirms the election made in electing claims 1 through 16. As noted at the top of page 3 of the Office Action, claims 17 and 18 are withdrawn from further consideration by the Examiner as being drawn to a non-elected invention. The Applicant does note that at page two of the Office Action, the Examiner initially stated claims 1 through "17" being drawn to a flotation device. However, at the top of page 3 of the Office Action, the Examiner says that claims "17 and 18" were withdrawn from further consideration as being drawn to a non-elected invention. Therefore, Applicant is assuming that there is only claims 1 through 16 that have been elected as being drawn to a flotation device, and claims 17 and 18 are now withdrawn, and technically cancelled by this amendment, pursuant to this election/restriction requirement. Claims 17 and 18 are canceled without prejudice nor disclaimer as to the subject matter therein.

Additionally, the Examiner notes that certain claims in the application were rejected under non-statutory double patenting rejection, which is based on the judicially created doctrine

grounded in public policy. The Examiner further notes that a timely filed Terminal Disclaimer in compliance with 37 C.F.R. § 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground proved the conflicting application or patent is shown to be commonly owned with this application.


Accordingly, Applicant attaches a Terminal Disclaimer signed by the undersigned stating that the current Applicant of this patent application is also the owner of U. S. Patent No. 6,645,027.

Please note that claim 8 is currently amended with the elements from claims 9, 10, 11, 12 and 13. Claims 9, 10, 11, 12, and 13, have been canceled without prejudice nor disclaimer as to the subject matter contained therein. Therefore, the remaining claims of this patent are now in a position for allowance. Allowance of the remaining claims, namely claims 1, 2, 3, 4, 5, 6, 7, 8, 14, 15, and 16 is respectfully requested. Please note that a petition and fee for three-month extension of time is being filed concurrently with this amendment.

If it would aid in disposition of this matter, the Examiner is kindly requested to contact the undersigned.

Respectfully Submitted,

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Date


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